

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPLICANT(s): Mika Juhani Gronroot

SERIAL NO.: 09/842,563

ART UNIT: 2642

FILING DATE: April 25, 2001

EXAMINER: Jack Chang

TITLE: TELESCOPIC STRUCTURES FOR A
APPARATUS

ATTORNEY

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APPELLANTS BRIEF

(37 C.F.R. §1.192)

This is an appeal from the final rejection of the claims in the subject application. A Notice of Appeal was mailed on November 16, 2005.

[1] REAL PARTY IN INTEREST

The real party in interest in this Appeal is the assignee, Nokia Corporation, Espoo, Finland.

[2] RELATED APPEAL AND INTERFERENCES

There are no related appeals or interferences.

[3] STATUS OF THE CLAIMS

Claims 1-28 and 30-32 are pending in this application. Claims 6-27, and 30-32 are withdrawn. Claims 1-2 and 28 stand rejected under 35USC103(a) on the basis of the cited reference Martensson (EP0414365A2), in view of Norman (WO 98/09414). Claims 3-5 stand rejected under 35USC103(A) on the basis of the cited reference Martensson (EP0414365A2), in view of Norman (WO 98/09414) and further in view of the admitted prior art disclosed in pages 8-9 of the present application.

[4] STATUS OF AMENDMENTS FILED SUBSEQUENT TO LAST REJECTION

There were no amendments filed subsequent to last rejection.

[5] SUMMARY OF THE CLAIMED SUBJECT MATTER

As defined in claim 1 of this application and illustrated in figures 6a and 6b, the application is directed to providing a telephone device constructed in two parts, a protective sleeve-like grip part 602 and a body part 601. Body part 601 is mounted for sliding motion within grip part 602. For operation, the body part is extended into the open position, as shown in figure 6b. In the open position grip part 602 provides a firm support by which the phone is held. In the closed position, body part 601 is moved into the grip part 602 and the bulk of the phone is enclosed within the grip part for protection of for example, the keyboard 605. An actuator mechanism 700, as shown

in figures 8a and 8b, is coupled between the grip part and the body part and includes a locking and release element, as shown in figure 10a and 10b. The telephone is held by the grip part 602 while the locking is released, allowing the actuator mechanism to force the body part 601 into the extended position.

[6] ISSUES PRESENTED FOR REVIEW

The issues presented for review are:

A. The propriety of the Examiner's rejection of claims 1-2 and 28 under 35USC103(a) on the basis on the basis of the cited reference Martensson (EP0414365A2), in view of Norman (WO 98/09414).

B. The propriety of the Examiner's rejection of claims 3-5 under 35USC103(a) on the basis on the basis of the cited reference Martensson (EP0414365A2), in view of Norman (WO 98/09414) and further in view of the admitted prior art disclosed in pages 8-9 of the present application.

C. The propriety of the Examiner's requirement for an election of specie with respect to claims 30-32.

The rejections are contained in the Office Action mailed August 16, 2005 from which this appeal is taken.

[7] ARGUMENT

With respect to issues A and B, the Examiner relies on the reference Martensson as primary support for the rejection based on obviousness. As noted in the prosecution of this

application, the Martensson reference is owned in common with the subject application.

Martensson discloses telephone having a body 2 that contains the circuitry of the telephone (column 4, lines 5-8). A sleeve-like cover 7 is mounted snugly on the body in a manner that permits the cover 7 to slide on body 2 (column 5, lines 13-25). A releasing button 14, is provided on the side of body 2. The operation of the button 14 is described as follows:

"Thus, simply by depressing the release button 14, the sleeve 7 will move automatically to the fully extended position under the action of spring 9"

It is clear from the referenced description that cover sleeve 7 is constructed to move on body 2, while body 2 is held. The operation is reversed in the subject application, namely, a grip part is held while the body part is extended from the grip part. This is a significant difference in operation and is an important feature of this invention.

The location of the release mechanism in the main body 2 of the telephone apparatus of Martensson is one of the drawbacks of the prior art solution of Martensson, and a motivating factor for developing the new invention described in the present application.

The disclosure of the reference Martensson does not support the Examiner's rejection based on obviousness because it lacks a teaching of the basic operation and structure of the subject application as described above.

The disclosure of the reference Norman does not remedy the deficiencies of the cited reference Martensson. The device of Norman does not use a sleeve-like grip part, but involves a sliding cover 14 that is not intended to be grasped, but slides to expose user interface console 16. In addition, the cover 14 is released by means of a mechanism 95 actuated by release button 96 located in the phone body 12. This is a release actuator configuration similar to that used in the device of Martensson and therefore does not add to the disclosure of Martensson. The teaching of the reference Norman, therefore, does not support the Examiner's position.

The Examiner characterizes the disclosure of Norman as follows:

"However, Norman teaches providing a user-actuatable releasing actuator (96) which is mounted in the grip part (12) for releasing the mechanism"

There is no "grip part 12" described in the reference Norman. There is a housing 12, which is held during normal operation. In the above statement, the Examiner chooses to ignore the fact that the "grip part 12", is actually the body of the telephone. It is not the same as the sleeve-like grip part 602 of the subject invention. The housing 12 of Norman cannot be both the grip part of the subject invention, from which the body of the phone is extended, and the body of the phone itself. A person skilled in the art would not consider housing 12 of Norman a grip part as described in the subject application. As indicated above the release actuator button is constructed in the housing 12, which is the body of the phone. This is described on page 5, lines 18-23 and on page 10, lines 1-3 as follows:

"Generally described, the cellular telephone 10 comprises a housing 12 for containing the electronic components of the telephone, a slidable cover 14 slidable engaged with the housing, and a user interface console 16 which is covered by the cover.....

"A cover release mechanism 95 is best shown in Fig. 7 and includes a release button 96 accessible through one side 30 of the housing 12."

The cover 14, therefor, moves on housing 12 and is actuated by button 96 on housing 12. This arrangement of components requires that it be operated in the same manner as taught by the cited reference Martensson. The Examiner's position, therefore, is unsupported. The release button of Norman is no different than the release button of Martensson. The cover moves in the same way as in Martensson. The device is held by the body as in Martensson. The combination of these teachings only shows that a cover element may be slidably mounted on a body of a telephone and released by a button on the body.

There is, therefore, no avoiding the conclusion that the operation of the telephones of the cited references Martensson and Norman are significantly different than that of the subject application. The elements of the telephones of the cited references are not arranged in the same way to achieve the same result. Their teachings either alone or in combination do not support the rejection by the Examiner based on obviousness.

In the applicant's solution the grip part being "sleeve-like" will be lighter and more comfortable to hold. In addition the configuration of this application moves the center of gravity away from the grip portion a distance from the user's grip to the extent of the sliding motion of the body part. This will add stability in the operational position of the telephone and provide ergonomic and electronic advantages.

Thus, Applicant questions, what kind of combination a person skilled in the art could make from the teachings of Martensson and Norman. It is in any case certain that no combination of teachings of the two reference publications would result in a telephone device having a grip part from which the body of the phone may be slidably extended by actuation of a release button on the sleeve-like grip part, as described in the claims under consideration.

The Examiner describes the disclosure of this application contained at page 8, line 35 through page 9, line 6, as "admitted prior art". This refers to alternatives in linking the release actuator and cites mechanisms used in holders for mobile phones used in automobiles, as examples. Nothing in the so called admitted prior art remedies the deficiencies of the teachings of the cited references Martensson and Norman.

The Issue of Obviousness

It is well settled that in order to establish a prima facie case for obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the

reasonable expectation of success must both be found in the prior art, without reference to the disclosure of this application.

Applicant submits that the above described deficiencies of the primary reference Martensson are not remedied by the proposed combination with the teaching of the reference Norman or the so called "admitted prior art". The combined references do not therefore support a prima-facie case of obviousness. The modification of the teachings of Martensson or Norman, in order to obtain the invention as described in the claims, submitted herein, would not have been obvious to one skilled in the art.

With respect to the rejection of claims 3-5, the Examiner has not considered the claims as whole, but relies on the disclosure by Applicant of analogous art relating to the linkage of release actuators in general. For the reasons indicated above the totality of claims 3, 4 and 5 are not rendered obvious by the "admitted prior art".

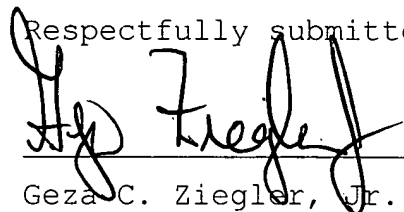
With respect to issue C, Applicant submits that the restriction requirement, as applied to claims 30-32 is not proper. These claims do not represent independent inventions, but are reliant on generic claim 1. There is therefore no proper basis for restriction. The subject matter of these claims relates to adding components to the basic invention as defined in claim 1. Claims 30 and 31 are depending claims written to appropriately depend on claim 1, and claim 32 depends on claim 30. The invention, at least in part, concerns the most optimal way of placing the components of a portable telephone apparatus into its two major parts, and claims 30-32 only serve to further

define how certain additional components are accommodated in the two major parts. As such they are proper dependent claims and do not constitute separate species of invention.

It is respectfully submitted that all of the claims, as presented, are clearly novel and patentable over the prior art of record. Accordingly, the Board of Appeals is respectfully requested to favorably consider the rejected claims and to reverse the final rejections, thereby enabling this application to issue as a U.S. Letters Patent.

A check in the amount of \$500.00 is enclosed for the Appeal Brief Fee. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Geza C. Ziegler, Jr.
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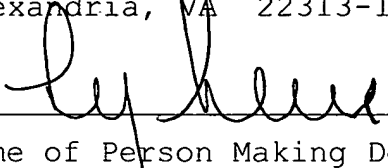
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[8] CLAIM APPENDIX

1. (Previously Presented) A telephone apparatus, comprising:
 - a body part constructed to house at least a portion of said telephone apparatus,
 - a sleeve-like grip part adapted to be held by a user during use and constructed to receive said body part for longitudinal slidable movement of said body part on said grip part, between a retracted position and an extended position,
 - an actuator mechanism coupled between said grip part and said body part for effecting the longitudinal slidable movement of said body part relative to said grip part between said retracted position and said extended position,
 - a locking mechanism for detachably locking the body part into the grip part in the retracted position and
 - a user-actuatable release mechanism mounted in the grip part for releasing the locking mechanism, wherein, in said extended use position, the telephone apparatus is adapted to be held by the user by grasping the grip part and holding the telephone apparatus such that a longitudinal slidable movement of the body part moves said body part upwards from a retracted position to an extended position where said body part is above said grip part.

2. (Previously Presented) A telephone apparatus according to claim 1, wherein the grip part comprises a first side surface and a second surface for holding the telephone apparatus by one hand so that one side surface rests against the thumb and palm and the tips of the other fingers rest on the other side surface, and the release mechanism is located on one of said side surfaces.

3. (Previously Presented) A telephone apparatus according to claim 2, comprising two release mechanisms located on opposite side surfaces.

4. (Previously Presented) A telephone apparatus according to claim 3, wherein said two release mechanisms are coupled so that actuating either one of them alone suffices to release the locking mechanism.

5. (Previously Presented) A telephone apparatus according to claim 3, wherein said two release mechanisms are not coupled so that only actuating both of them simultaneously suffices to release the locking mechanism.

6. (Withdrawn) A telephone apparatus according to claim 1, comprising flexible conductor means having a first point, a second point and between said first point and said second point an elongated portion, wherein said first point is attached to the grip part, said second point is attached to the body part

and said elongated portion is free of attachments to the body part or the grip part.

7. (Withdrawn) A telephone apparatus according to claim 6, wherein said flexible conductor means is a flat cable.

8. (Withdrawn) A telephone apparatus according to claim 6, wherein said flexible conductor means is a flexible printed circuit board.

9. (Withdrawn) A telephone apparatus according to claim 8, wherein the grip part comprises a connector for providing an electrical interface to the telephone apparatus, wherein said connector is electrically connected to said flexible printed circuit board.

10. (Withdrawn) A telephone apparatus according to claim 9, wherein said flexible printed circuit board has the shape of a P where the lower end of the loop in the P is not connected to the vertical shaft of the P, so that

- said connector is connected to the lower end of the loop in the P,
- the loop in the P is attached to a flat surface at the inside of the grip part,

- said first point is at the upper end of the vertical shaft of the P,
- said second point is at the lower end of the vertical shaft of the P and
- the vertical shaft of the P is bent essentially 180 degrees around a fictitious axis which is perpendicular to the vertical shaft of the P to define a rounded section between said first point and said second point.

11. (Withdrawn) A telephone apparatus according to claim 9, wherein the grip part comprises a microphone that is electrically connected to said flexible printed circuit board through a connecting arrangement in said connector.

12. (Withdrawn) A telephone apparatus according to claim 8, wherein the grip part comprises a microphone that is electrically connected directly to said flexible printed circuit board.

13. (Withdrawn) A telephone apparatus according to claim 1, wherein the movement-effecting mechanism comprises a torsion spring having a helically wound cylindrical portion, a first torsion arm and a second torsion arm, of which said first torsion arm is mechanically coupled to the body part, said second torsion arm is mechanically coupled to the grip part, and said cylindrical portion, said first torsion arm and said second

torsion arm are all located within an essentially closed space defined by the sleeve-like form of the grip part.

14. (Withdrawn) A telephone apparatus according to claim 1, wherein the movement-effecting mechanism comprises a spiral spring, a first reaction arm and a second reaction arm, of which said first reaction arm is mechanically coupled to the body part, said second reaction arm is mechanically coupled to the grip part, one end of said spiral spring is attached to said first reaction arm, one end of said spiral spring is attached to said second reaction arm, and said spiral spring, said first reaction arm and said second reaction arm are all located within an essentially closed space defined by the sleeve-like form of the grip part.

15. (Withdrawn) A telephone apparatus according to claim 1, comprising a damper arrangement for smoothing the longitudinal slidable movement.

16. (Withdrawn) A telephone apparatus according to claim 15, wherein said damper arrangement comprises:

- a cogged rack extending in the direction of the longitudinal slidable movement,
- an axle,

- a gear wheel mounted non-rotatably on said axle and engaged with said rack for longitudinal rolling movement in the extending direction of said rack,
- a damper housing arranged to define a closed damper chamber,
- viscous damper fluid within said damper chamber and
- a damper rotor mounted non-rotatably on said axle and enclosed into said damper chamber;

of which said rack and said damper housing are located within different ones of the body part and the grip part.

17. (Withdrawn) A telephone apparatus according to claim 16, comprising a support arrangement so that:

- said support arrangement is mechanically fixedly coupled to said damper housing,
- said support arrangement is movably coupled to said rack for longitudinal slidable movement of said rack in relation to said support arrangement and
- said support arrangement comprises a vertically limiting part for preventing the vertical movement of said rack in relation to said support arrangement.

18. (Withdrawn) A telephone apparatus according to claim 17, wherein said support arrangement additionally comprises a

transversally limiting part for preventing the transversal movement of said rack in relation to said support arrangement.

19. (Withdrawn) A telephone apparatus according to claim 1, wherein the movement-effecting mechanism comprises:

- a cogged rack extending in the direction of the longitudinal slidable movement,
- an axle,
- a gear wheel mounted non-rotatably on said axle and engaged with said rack for longitudinal rolling movement in the extending direction of said rack, and
- a clockwork spring located coaxially with said axle and having a first end and a second end, of which said first end is attached to said axle and said second end is attached to a part in relation to which said axle is rotatable;

of which said rack and said axle are located within different ones of the body part and the grip part.

20. (Withdrawn) A telephone apparatus according to claim 18, comprising a damper arrangement for smoothing the longitudinal slidable movement, and comprising within said damper arrangement:

- a damper housing arranged to define a closed damper chamber and

- viscous damper fluid within said damper chamber;

so that said axle protrudes into said damper chamber.

21. (Withdrawn) A telephone apparatus according to claim 19, comprising a damper rotor mounted non-rotatably on said axle and enclosed into said damper chamber.

22. (Withdrawn) A telephone apparatus according to claim 21, wherein said clockwork spring is located in said damper chamber together with said damper rotor, and said second end of said clockwork spring is attached to said damper housing.

23. (Withdrawn) A telephone apparatus according to claim 21, wherein said damper housing additionally defines a spring chamber so that said clockwork spring is located in said spring chamber and said second end of said clockwork spring is attached to said damper housing.

24. (Withdrawn) A telephone apparatus according to claim 21, comprising a spring housing which is different than said damper housing, wherein:

- said spring housing is mechanically fixedly coupled to said damper housing,

- said spring housing defines a spring chamber,
- said clockwork spring is located in said spring chamber and
- said second end of said clockwork spring is attached to said spring housing.

25. (Withdrawn) A telephone apparatus according to claim 19, wherein the movement-effecting mechanism comprises:

- a first cogged rack extending in the direction of the longitudinal slidable movement,
- a first axle,
- a first gear wheel mounted non-rotatably on said first axle and engaged with said first rack for longitudinal rolling movement in the extending direction of said first rack,
- a first clockwork spring located coaxially with said first axle and having a first end and a second end, of which said first end is attached to said first axle and said second end is attached to a part in relation to which said first axle is rotatable,
- a second cogged rack extending in the direction of the longitudinal slidable movement,
- a second axle,

- a second gear wheel mounted non-rotatably on said second axle and engaged with said second rack for longitudinal rolling movement in the extending direction of said second rack and
- a second clockwork spring located coaxially with said second axle and having a first end and a second end, of which said first end is attached to said second axle and said second end is attached to a part in relation to which said second axle is rotatable;

of which said first rack and said first axle are located within different ones of the body part and the grip part, and said second rack and said second axle are located within different ones of the body part and the grip part.

26. (Withdrawn) A telephone apparatus according to claim 1, wherein the movement-effecting mechanism comprises an electric motor.

27. (Withdrawn) A telephone apparatus according to claim 1, wherein the movement-effecting mechanism comprises a pair of oppositely oriented magnets located within different ones of the body part and the grip part.

28. (Previously Presented) A telephone apparatus according to claim 1, wherein the body part forms a housing within which a majority of electrically functional parts of the telephone apparatus are mounted, and the grip part comprises surfaces

configured for a single-hand grip for a human user holding the telephone apparatus in a conventional operational position of a telephone.

29. (Cancelled)

30. (Previously Presented) A telephone according to claim 1, wherein said telephone includes a display mounted in said body part.

31. (Previously Presented) A telephone according to claim 1, wherein said telephone includes an antenna, for receiving and transmitting radio signals, mounted on said body part.

32. (Previously Presented) A telephone according to claim 30 wherein said telephone further includes a loudspeaker mounted on said body part.

33. (Cancelled)

[9] EVIDENCE APPENDIX

N/A

[10] RELATED PROCEEDING APPENDIX

N/A